

present invention to select which on-line merchant they would like to purchase the product from. Claim 1, the only independent claim pending at the time of the office action, specifically claims "receiving...merchant information data for plurality of merchants capable of completing a consumer purchase" and using this information to "rank merchants."

Nowhere within Jacobs is there any disclosure, suggestion or teaching of *ranking merchants*. Nowhere within Jacobs is there any reference to *merchant data*. Accordingly, claim 1 is not anticipated under §102(b) by Jacobs. As claims 2-13 are dependent upon claim 1 claims 2-13 are also not anticipated by Jacobs.

Jacobs teaches away from the present invention by disclosing a system for selecting the available products (using a best fit of the available products and relying solely on product information), giving the consumer no choice to select another merchant which may actually *offer* the desired product. Jacobs has nothing to do with comparing merchants to find the merchant most suitable for fulfilling a purchase order for a predetermined product. Accordingly, claim 1 of the present invention is neither anticipated under §102(b) nor obvious to one of ordinary skill in the art under §103 in view of Jacobs. As claims 2-13 are dependent upon claim 1, claims 2-13 are also neither anticipated under §102(b) nor obvious under §103 in view of Jacobs.

New claims 14-35 also claim the use of merchant data to rank merchants and are therefore allowable in view of the cited references.

Applicant respectfully requests an allowance of all of the pending claims.

AMENDMENT

Please add the following claims:

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14. A method of ranking prospective merchants in an online comparison system, comprising the steps of:
receiving information relating to a user specific product;

retrieving a list of merchants from a database, wherein the list of merchants includes merchants offering the user specified product;

retrieving merchant specific information about each merchant in said list of merchants;

applying weighting factors to said merchant specific information;

ranking said list of merchants carrying the user specified product based on the application of the weighting factors to the merchant specific information.

15. The method of claim 14, wherein the weighting factors are chosen by the user from a preset grouping of weighting factors.

Sub B5 16. The method of claim 14, wherein the weighting factors received from the user.

17. The method of claim 14, wherein the merchant information includes information relating to the status of the user specified information in the inventory of the merchant, and wherein merchants with the user specified product in inventory are given a higher ranking according to the weighting factors.

18. The method of claim 14, wherein the merchant information includes information relating to applicable shipping charges, further comprising the step of calculating the applicable shipping charge, wherein merchants with lower applicable shipping charges are given a higher ranking according to the weighting factors.

19. The method of claim 14, further comprising the steps of receiving information relating to the destination the user specified product would be shipped to, wherein the merchant information includes information relating to the applicable sales tax;

calculating the applicable sales tax;
wherein merchants with lower applicable sales tax are given a higher ranking according to the weighting factors.

20. The method of claim 14, further comprising the step of eliminating those merchants from the ranking where the merchant specific information is incomplete for that merchant.

21. The method of claim 20, wherein the elimination occurs only for merchants whose merchant specific data is incomplete as compared to a predefined screening criteria.

22. The method of claim 21, wherein the predefined screening criteria is received from the user.

23. The method of claim 14, further comprising the step of excluding from the ranking comparison information items not common to all merchants in the ranking.

Sub B6 24. The method of claim 14, further comprising the steps of:
multiplying comparison information of the merchant specific information by a weighting factor to get a weighted comparison value;
summing the weighted data values to get an aggregate score for the merchant corresponding to the merchant specific information;
for each merchant in the ranking repeating the steps of multiplying to get a weighted comparison value and the step of summing to get an aggregate value to get an aggregate value; and
ranking the merchants based on the aggregate values corresponding to each merchant.

25. The method of claim 24, wherein the weighting factors are received from the user.

26. The method of claim 24, wherein at least two different weighting factors are used, a first weighting factor applied to at least one item of comparison information from the merchant specific information, and a second weighting factor applied to at least one item of comparison from the merchant specific information, the first and second weighting factors being applied to different items of comparison information of the merchant specific information.

27. The method of claim 14, further comprising the steps of:
presenting the user with a list of merchant information categories;
receiving user selected merchant information categories; and
ranking merchants based upon the selected information categories.

28. The method of claim 24, further comprising the steps of:
presenting the user with a list of merchant information categories;
receiving user selected merchant information categories; and
ranking merchants based upon the selected information categories.

29. The method of claim 14, wherein the merchant specific information includes payment options available for the corresponding merchant, and wherein merchants with a user specified preferred payment option are given a higher ranking according to the weighting factors.

30. The method of claim 14, further comprising the steps of:

receiving category weighting factors from the user, wherein category weighting factors are applied to all comparison information corresponding to the category in the merchant specific information; and

ranking merchants according to the received category weighting factors.

31. The method of claim 14, wherein the merchant specific information includes security information for the corresponding merchant, and wherein merchants are ranked according to the weighting factors applied to the security information.

32. The method of claim 14, wherein the merchant specific information includes social responsibility information for the corresponding merchant, and wherein merchants are ranked according to the weighting factors applied to the social responsibility information.

33. The method of claim 14, wherein the merchant specific information includes financial information for the corresponding merchant, and wherein merchants are ranked according to the weighting factors applied to the financial information.

34. The method of claim 14, wherein the merchant specific information includes time in business information for the corresponding merchant, and wherein merchants are ranked according to the weighting factors applied to the time in business information.

35. The method of claim 14, wherein the merchant specific information includes consumer complaint information for the corresponding merchant, and wherein merchants are ranked according to the weighting factors applied to the consumer complaint information.

Respectfully submitted,

Dated: April 30, 2001

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